



STRATEGIC PLAN FOR IMPLEMENTING ENHANCED LANGUAGE ACCESS IN THE COLORADO STATE COURTS

*Blueprint for Providing Full Access to Justice
for Colorado's Limited English Proficient Court Users*



OFFICE OF LANGUAGE ACCESS
Colorado Judicial Department
March 2012

*Cover photo: Prototype Image of the Ralph Carr Colorado Judicial Center Building,
scheduled to open in Denver, Colorado, in spring 2013*

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1| Commitment to Language Access

The diversity of Colorado’s population increased significantly in recent years. In 2010, over 130 languages were spoken in Colorado homes,¹ and interpreter services were provided in over 80 languages in state courts. The Colorado Judicial Department (“Department”) is committed to providing full language access to all individuals who come in contact with the state courts to ensure access to justice and due process for all parties in interest² as set forth in Chief Justice Directive 06-03, amended in June 2011 (“CJD 06-03”).

CJD 06-03 sets forth the Department’s Language Access Policy by establishing directives concerning the appointment, utilization and payment of language access services provided and arranged for by the Colorado state courts, and by governing access to court proceedings and court operations by persons with limited English proficiency. The Department’s commitment to comprehensive language access has led to an extensive review of existing policies and practices within the state courts, and subsequently to the development of this Language Access Plan (“Plan”), which serves to define future needs to fully implement CJD 06-03.

In 2004, the State Court Administrator’s Office, with the support of the Chief Justice of the Supreme Court, established the Court Interpreter Program, now the Office of Language Access (“OLA”), to provide technical expertise and ensure standardization of language access in Colorado courts. This Plan identifies the requirements to ensure compliance with CJD 06-03. Each requirement is defined through existing needs, the person(s) responsible for completion of each task and its anticipated timeline. In so doing, this Plan is intended to provide the Department with a blueprint for implementing policies and programs that will ensure and enhance comprehensive language access in the Colorado courts.

¹ “Detailed Languages Spoken at Home and Ability to Speak English for the Population 5 Years and Over for Colorado: 2006-2008”, Release Date: April 2010, www.census.gov.

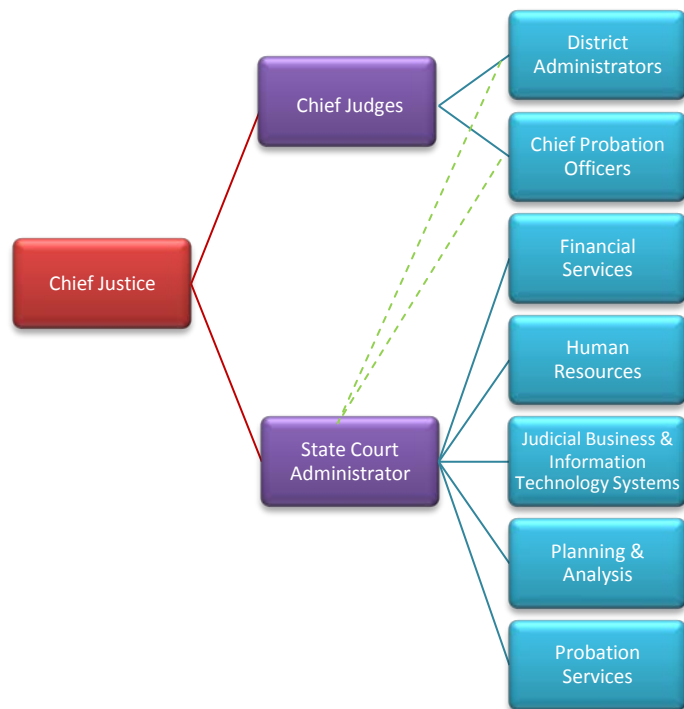
² A party in interest is defined in Chief Justice Directive 06-03 as: “A party to a case; a victim; a witness; the parent, legal guardian, or custodian of a minor party; and the legal guardian or custodian of an adult party.”

2| Management Structure

CJD 06-03 establishes the roles and responsibilities of specific Administrative Authorities (defined by the Colorado Judicial Department’s Personnel Rule 6, attached as Appendix A) and OLA personnel with regard to language access, including Judicial Officers, the State Court Administrator, District Administrators, Chief Probation Officers, the Language Access Administrator (“LAA”) and Managing Interpreters.

Colorado Judicial Department

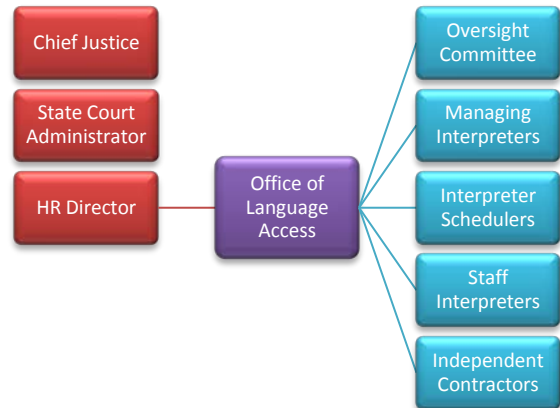
Ensuring language access is a commitment of the Colorado Judicial Department as exemplified by amended CJD 06-03, signed by Chief Justice Michael Bender in June 2011. The State Court Administrator’s Office provides the programmatic support required to implement all directives through each of its divisions: Financial Services, Planning & Analysis, Human Resources, Probation Services and Judicial Business and Information Technology Systems. In each of Colorado’s twenty-two judicial districts the district employs a District Administrator and Chief Probation Officer who operate as Administrative



Authorities and designees of the Chief Judge to manage the provision of language access to the courts and probation. As divisions and programs within the State Court Administrator’s Office, including the Office of Language Access, develop policies, Administrative Authorities are offered the opportunity to provide feedback prior to implementation. Administrative Authorities are active participants throughout policy development process, assisting in policy creation, implementation, monitoring and enforcement. The State Court Administrator’s Office Audit Unit conducts operational audits, monitoring compliance with Chief Justice Directives, rules and policies on a statewide basis.

Office of Language Access

The Office of Language Access (“OLA”), develops and delivers guidance, policies and procedures for Judicial Department employees working in the courts to ensure comprehensive language access through the Department’s existing management structure. OLA also provides direct services through the recruitment, credentialing, rostering and scheduling of language interpreters and translators.



OLA is a program of the Colorado Judicial Department’s Division of Human Resources (“HR”). HR provides administrative support to OLA through staffing, funding requests and policy development. The Director of HR reports to the State Court Administrator, who in turn reports to the Chief Justice of the Colorado Supreme Court. This centralized management structure provides support to OLA in its daily operations, policy and process development and implementation throughout the entire Department. Matters relating to language access that are not contained in policy are referred to OLA, which then serves as advisory to Administrative Authorities.

Language Access Oversight Committee

The Language Access Oversight Committee (“LAOC”) provides critical support to OLA through identification of language access needs, development of policies and procedures, priority setting, outreach and process implementation. Many of the priorities identified in this Plan have been and will continue to be developed by members of the LAOC through the work of subcommittees. The LAOC, comprised of Judges, Department employees and external stakeholders, is also essential in the implementation and monitoring of the Plan.

Language Access Services

OLA provides language access through a variety of services and providers. The Center for Telephone Interpreting (“CTI”), located in the Boulder County Justice Center, was established to provide remote interpreter services for judges, staff and probation departments statewide. CTI is critical in delivering interpreter services of short duration both for pre-scheduled events and last-minute requests.

The Translation Advisory Group (“TAG”) was established to provide the Department with accurate and consistent translations. TAG is housed in the Arapahoe County Justice Center and is responsible for coordinating the certified translation, editing and proofing of all translation projects. TAG also provides expertise in the development of policies and best practices related to document translation for the Department.

OLA recognizes that individuals at all levels of the Department are critical in providing language access to all court users. To meet the language access needs in each judicial district, direct language services are provided through Managing Interpreters, Staff Interpreters, Interpreter Schedulers, Independent Contract Language Interpreters and Bilingual Staff.

Classified Staff Language Interpreters

Managing Interpreters

Managing Interpreters are responsible for providing language access services, including those of interpreters, in their corresponding districts. They are tasked with assigning, scheduling and directing the work of interpreter program staff and independent contractor language interpreters, and arranging remote interpretation as necessary. This includes securing and facilitating court interpreting services in all requested languages for “court proceedings” as defined in CJD 06-03. Managing interpreters are certified interpreters who are also required to provide interpreter services in the course of their duties, and are expected to provide support to the Court in matters which require expertise in the area of interpretation and language access.

For fiscal year 2012, OLA has allocated fourteen managing interpreters (13.5 corresponding classified FTE positions) assigned to cover the administrative and interpreting needs of Colorado’s twenty-two judicial districts.

Court Interpreter II (“Staff Interpreter”)

Staff Interpreters provide Spanish interpreting services for the courts. The Staff Interpreter’s primary duty is to interpret; however, in some locations it may also be necessary for them to provide administrative support to the local interpreter office.

For fiscal year 2012, OLA has allocated nine staff interpreters (8.45 corresponding classified FTE positions) to cover the interpreting needs of five of Colorado’s judicial districts with highest interpreter need.

Interpreter Scheduler

Judicial districts without a certified interpreter to fill the position of a Managing Interpreter for that district may hire a non-certified Interpreter Scheduler to manage the administrative duties associated with the basic interpreting needs of the Court. Certified interpreters must be assigned to travel to such districts for those cases outlined in CJD 06-03 requiring a certified interpreter. The position of Interpreter Scheduler is intended to be a temporary assignment with the expectation that the individual shall take reasonable steps to achieve interpreter certification. In the interim, OLA will continue to attempt to fill the position with a certified interpreter.

In fiscal year 2012, OLA allocated one Interpreter Scheduler assigned to cover the administrative and interpreting needs of one of Colorado’s judicial districts.

Independent Contract Interpreters

An Independent Contract Language Interpreter working for the Department is an authorized language interpreter who is an independent contractor pursuant to contract. Independent Contract Interpreters assist the Department by providing interpreting or translation services when classified staff interpreters cannot meet language access needs either due to volume of need or language(s) required. Independent Contract Language Interpreters may be certified, professionally qualified or registered, but all must be approved to work by OLA.

Bilingual Staff

Employees of the Department other than classified staff interpreters may provide language assistance to individuals appearing in the courts and probation. Bilingual staff must demonstrate proficiency in English and a second language in accordance with OLA standards and must be authorized by OLA to conduct court operations directly with limited English proficient persons in a language other than English.

3| Strategic Plan for Implementation

With input from OLA staff, LAOC, Administrative Authorities, language access providers and court users, OLA has reviewed current compliance with CJD 06-03 and assessed future needs for comprehensive language access in the state courts as mandated by CJD 06-03. The following Strategic Plan for Implementation identifies existing programs, procedures and resources that must be monitored and updated on an ongoing basis. The Strategic Plan also establishes outstanding tasks, along with an implementation timeline and assignment of responsibilities for completion.

Management responsibilities for the following tasks may be undertaken by the following:

- Office of Language Access (“OLA”)
- Language Access Administrator (“LAA”)
- Managing Interpreters (“MI”)
- Language Access Oversight Committee (“LAOC”)
- Center for Telephone Interpreting (“CTI”)
- Translation Advisory Group (“TAG”)
- Division of Human Resources (“HR”)
- Judicial Business and Information Technology Systems (“JBITS”)
- Other individuals as identified in specific tasks.

Language Access Policies & Standards

1.1 Standards for Providing Language Services in Court Operations

The LAA, with input from HR and the LAOC, will establish standards for language services in accordance with CJD 06-03, taking into account the nature, means, importance and duration of the communication provided by authorized language interpreters and bilingual staff, to be completed by June 30, 2012.

1.2 Interpreter Discipline Policy

The LAA administers the OLA Interpreter Discipline Policy for redress of complaints involving services provided by a language interpreter authorized to work in the state courts. HR will update the policy to include standard procedures for lodging and resolving complaints and disqualification of interpreters, for review by the LAOC, to be completed by December 31, 2012.

1.3 Complaint Process

Any person aggrieved by an alleged violation of CJD 06-03 may file a complaint with the local court's Administrative Authority for investigation by the LAA as set forth in CJD 06-03. The LAA will work with HR and the LAOC to develop written procedures and standard forms for the complaint process, including electronic and hard copy standard formats, to be completed by December 31, 2012.

1.4 Notice of Available Interpreter Services

The LAA, working with the LAOC, Court Services staff and JBITS staff, will research and recommend changes to the case management order, pleadings, and other forms and procedures to identify interpreter need at the inception of an LEP party's involvement in legal proceedings, to be completed by December 31, 2012.

1.5 Language Access Oversight Committee

The LAOC will be assigned to make recommendations to the appropriate rules committees or other entity on conforming changes needed, if any, to the civil rules, criminal rules, rules of evidence directives and other relevant rules or judicial standards on an ongoing basis.

1.6 External Funding

The LAA and LAOC, with assistance from the Division of Financial Services, will identify and review external funding sources, and request appropriate resources on an ongoing basis.

Language Service Providers

2.1 Roster of Authorized Independent Contractor Interpreters

OLA is responsible for maintaining a roster of certified, professionally qualified and registered independent contractor language interpreters. OLA will maintain current rosters of each interpreter tier authorized to work in the state courts in accordance with OLA requirements. The rosters of authorized interpreters including level of qualification are available at http://www.courts.state.co.us/Administration/Custom.cfm?Unit=interp&Page_ID=117.

2.2 Guidelines for Roster Maintenance

The LAA, working with the LAOC, will develop guidelines for the maintenance and publication of interpreter rosters, to be completed by September 30, 2012.

2.3 Definition of Interpreter Tiers

The LAA, working with the LAOC, will establish definitions for each interpreter tier (certified, professionally qualified and registered) that include required credentials, and will establish parameters for the maintenance and publication of interpreter rosters, to be completed by September 30, 2012.

2.4 Standards for Out-of-State Interpreters

The LAA, working with the LAOC, will establish standards for scheduling, contracting, and coordinating appearances of remote and out-of-state interpreters, to be completed by September 30, 2012.

2.5 Interpreter Testing

The LAA, working with the LAOC, will develop standards and procedures for oral proficiency testing for interpreters working in languages for which no oral certification examination exists and will consider requiring all applicants to pass the Consortium written exam, to be completed by September 30, 2012.

2.6 Service Provider Scheduling Software

OLA will identify, develop or purchase and implement a digitally-based software system for use in scheduling and dispatching independent contractors for all state courts, to be completed by December 31, 2013.

2.7 Case Management Software

OLA will advise on the development, implementation and modification of case management software developed by JBITS on an ongoing basis.

2.8 Equipment Identification and Procurement

The OLA, MI, Department Facilities and Procurement staff will identify required equipment needed to provide language access and submit requests through the Director of HR to the Administrator's Management Advisory Council for prioritization in the budget process on an ongoing basis.

Bilingual Staff

3.1 Oral Proficiency Requirements for Bilingual Staff

The LAA, working with HR and the LAOC, will establish requirements for measurement of oral proficiency testing in English and a second language for bilingual staff, determination of duties and ethical standards, to be completed by June 30, 2013.

3.2 Best Practices for Hiring of Bilingual Staff

HR, working with Administrative Authorities, will develop guidelines for recruiting, hiring, defining job descriptions and exploring possible incentives for bilingual staff who will conduct court operations business directly with limited English proficient persons in a language other than English, particularly those in key positions, to be completed by June 30, 2013.

Remote Interpreting

4.1 Standards for Remote Interpreting

The LAA, working with the interpreters and staff at CTI, will develop standards for the use of remote interpreting, to be completed by June 30, 2012.

4.2 Remote Interpreting User Guide

The LAA, working with the interpreters and staff at CTI, will develop guidance documents for the use of the CTI, including a benchcard and user guide, to be completed by June 30, 2012.

4.3 CTI Interpreter Handbook

The LAA, working with the interpreters and staff at CTI, will develop a written guide for CTI interpreters of all languages on remote interpreting policies, procedures and best practices, to be completed by December 31, 2012.

4.4 Training for CTI Interpreters

The LAA, working with the interpreters and staff at CTI, will develop training for CTI interpreters of all languages on remote interpreting technologies and best practices, to be completed by December 31, 2012.

4.5 Video Remote Interpreting

The LAA, working with JBITS and LAOC, will conduct a feasibility study of video remote interpreting, to be completed by December 31, 2012.

Translations & Signage

5.1 Translation Policy

The LAA, working with TAG, will develop policy for the prioritization, completion, delivery and maintenance of document translations. The policy will identify responsibilities associated both with forms and case specific documents in languages as designated by highest need, to be completed by December 31, 2012.

5.2 Translation Catalog

The LAA, working with TAG, will maintain an ongoing catalog of forms that have been translated and those in the queue to be translated, on an ongoing basis.

5.3 Signage Policy

The LAA, working with Department Facilities staff, TAG, Administrative Authorities, and county officials will develop policy for the prioritization, completion and delivery of bilingual signage, to be completed by December 31, 2012.

5.4 Signage Catalog

The LAA, working with TAG, will maintain an ongoing catalog of bilingual signage that has been created and those in the queue to be completed, on an ongoing basis.

5.5 Website Posting of Translated Forms

The LAA, working with JBITS and TAG, will post translated forms for statewide use on the Department's website and update the website as new translations become available.

Training

6.1 Training for Judicial Officers

The LAA, working with the LAOC and the Judicial Education Office, will develop language access curriculum and training protocol for judicial officers, to be completed by December 31, 2012.

6.2 Benchcard for Judicial Officers

The LAA, working with the LAOC, will update and distribute a language access benchcard for judicial officers, to be completed by December 31, 2012.

6.3 Training for Court Staff

The LAA, working with the LAOC and the HR Training Division, will develop and implement language access training for court staff to identify interpreter need and provide language access at every point of contact, to be completed by December 31, 2012.

6.4 Training for Attorneys

The LAA, working with attorney members of the LAOC, will develop language access curriculum and training protocol for attorneys, to be completed by December 31, 2013.

6.5 Training for Interpreters

The LAA, working with the LAOC, will develop and implement language neutral skills building training for interpreters by case type, to be completed by December 31, 2012.

6.6 Interpreter Handbook

The LAA, working with the LAOC, will develop and distribute a handbook for interpreters to include policies and procedures for providing language access, to be completed by December 31, 2013.

Outreach to External Stakeholders

7.1 Resources for Court Users

The LAA, working with the LAOC, will identify, develop and publish language access informational resources for parties in interest and attorneys, to be completed by December 31, 2013.

7.2 Collaboration with Judicial Department Resource Centers

The LAA, working with the LAOC, will identify, develop and publish language access informational resources to be placed in resource centers that service the courts, to be completed by December 31, 2013.

7.3 Outreach

The LAA, working with the LAOC, will identify, develop and implement outreach efforts to the bar and community to promote awareness of new policies and to gather feedback on implementation, on an ongoing basis.

4| Monitoring and Future Planning

OLA and LAOC will monitor progress and update the Plan as additional needs are identified and projects completed. To monitor compliance with CJD 06-03, data will be collected which may include the following:

- Interpreter services and event data
- Rosters of active interpreters
- OLA expenses
- Summary of feedback received

OLA will continue to work with the Audit Unit of the Division of Financial Services to monitor compliance with CJD 06-03 and other program polices. The LAOC will be critical in assisting with the development of new programmatic priorities. Priorities developed by the LAOC will be shared with the Administrative Management Advisory Council (“AMAC”), responsible for setting priorities for the entire Judicial Department. OLA will work closely with AMAC in its planning efforts by sharing the priorities developed by the LAOC and assisting with the identification of associated resources and funding for future endeavors.

A| Appendix

Colorado Judicial System Personnel Rules, rev 7/1/2012

RULE 6: Authority and Responsibility for Personnel Administration

6.A. - AUTHORITY

6.A.1. - The Chief Justice of the Supreme Court is the executive head of the Judicial Department and the Administrative Authority of the Chief Judges, the State Court Administrator, the Supreme Court Clerk, and the Supreme Court Librarian.

6.A.2. - The Chief Judge of the Court of Appeals shall be the Administrative Authority of the Court of Appeals.

6.A.3. - The State Court Administrator shall be the Administrative Authority of the Office of the State Court Administrator.

6.A.4. - The Chief Judge of each Judicial District shall be the Administrative Authority of all district and county courts within the judicial district, including the probation department within the district, except that the Chief Judge of the Second Judicial District shall have no authority over the Denver County Court; the presiding Judges of the Denver Probate and Juvenile Courts shall have the same authority of a Chief Judge for their respective courts, including the Denver Juvenile Probation Department.

6.A.5. - Each Administrative Authority shall be responsible to the Chief Justice and the Supreme Court for all personnel matters for all employees within the jurisdiction.

6.A.6. - The Administrative Authority may delegate responsibility for all personnel matters not otherwise prohibited by constitution, statute, Chief Justice Directive or these rules. Such delegation need not be in writing so long as the Administrative Authority ratifies the action taken; such ratification is presumed unless the Administrative Authority takes specific action to countermand within a reasonable period of time.

6.A.7. - The Administrative Authority or delegee, if any, shall be known in these rules as the Administrative Authority.

6.B. – Responsibilities - Administrative Authorities are responsible for:

6.B.1. - Implementing these rules and complying with the policies contained herein;

6.B.2. - Recruitment, selection and appointment of employees;

6.B.3. - Orientation and training of employees;

6.B.4. - Review and appraisal of each employee's performance in accordance with these rules;

6.B.5. - Corrective or disciplinary action, including termination, in accordance with these rules;

6.B.6. - Maintaining personnel records for all employees in the official personnel file consistent with those documents identified as mandatory by the State Court Administrator's Office.

6.B.6.a. - Maintenance of computerized personnel files shall be updated every 15 calendar days.

6.B.7. - Exercising the powers and fulfilling the responsibilities specified elsewhere in these rules and in other management directives.